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BOX: MISSING PARTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Markus Lautenbacher DOCKET NO: P00,0289
SERIAL NO: 09/513,462 GROUP NO: 2768
DATE FILED: February 25, 2000 EXAMINER:
INVENTION: **METHOD FOR USING SOFTWARE PRODUCTS
THAT ARE OFFERED VIA A NETWORK"**

Assistant Commissioner for Patents
Washington, D.C. 20231

**SUBMITTAL OF DECLARATION
PURSUANT TO 37 C.F.R. 1.53(d)**

Applicant herewith submits an executed Declaration in response to the Notice to File Missing Parts dated March 30, 2000 (a copy of which is enclosed herewith). A check for the statutory fee in the amount of \$130.00 is submitted herewith. **Any deficiency or over-payment should be charged or credited to deposit account No. 08-2290. A duplicate copy of this sheet is enclosed.**

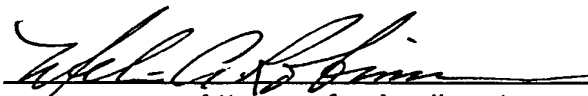
Respectfully submitted,

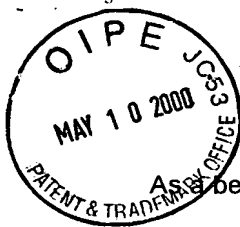
 (Reg. No. 31,870)

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Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on May 3, 2000.


Attorney for Applicant



DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method for Using Software Products that are Offered Via A Network

Case No. P00,0289, the specification of which

(check one) X is attached hereto.
was filed on February 25, 2000 as
Application Serial No. 09/513,462
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56¹.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s)

Number

00100922.4

Country

European Patent Office

Date

January 18, 2000

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s)

Number

Country

Date

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

And I hereby appoint Messrs. John D. Simpson (Registration No. 19,842), Dennis A. Gross (24,410), Robert M. Barrett (30,142), Steven H. Noll (28,982), Kevin W. Guynn (29,927), Robert M. Ward (26,517), Brett A. Valiquet (27,841), Edward A. Lehman (22,312), David R. Metzger (32,919), Todd S. Parkhurst (26,494), James D. Hobart (24,149), Melvin A. Robinson (31,870), Joseph P. Reagen ((35,332), Michael R. Hull (35,902), Michael S. Leonard (37,557), William E. Vaughan (39,056) and Lewis T. Steadman (17,074), all members of the firm of Hill & Simpson, A Professional Corporation

Telephone: 312/876-0200 Ext. 3491

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Hill & Simpson
A Professional Corporation
85th Floor Sears Tower, Chicago, Illinois 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor MARKUS LAUTENBACHER

Inventor's signature Markus Lautenbacher Date 04/14/00

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Full name of second joint inventor,
(if any) _____

Inventor's signature _____ Date _____

Residence _____

Citizenship _____

Post Office Address _____

Full name of third joint inventor,
(if any) _____

Inventor's signature _____ Date _____

Residence _____

Citizenship _____

Post Office Address _____